



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES**

S.F.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
V.	:	ORDER OF RETURN
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 9985-2014
	:	
AND HEALTH SERVICES &	:	
	:	
GLOUCESTER COUNTY BOARD OF :	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 15, 2015, in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's application due to excess income. She is applying for the Global Options waiver which has an income limit of \$2,163. Petitioner receives \$1,427 from Social Security and a monthly benefit from the Department of Veterans Affairs (DVA) in the amount of \$1,130. All told she receives \$2,557 which renders her ineligible.

At issue is the classification by the DVA of Petitioner's benefits. Pursuant to 20 C.F.R. § 416.1103 and DMAHS Medicaid Communication No. 87-22 any portion that is considered aid and attendance are excluded from the financial eligibility determination. This type of benefit is considered cash assistance for unreimbursed medical expenses. See Medicaid Communication No. 87-22.¹

The November 19, 2013 award letter from the DVA states that Petitioner is receiving a "dependent and indemnity compensation (DIC), death pension." R-1. Petitioner applied for benefits on March 13, 2013. When Petitioner failed to provide clarification regarding her benefit, Gloucester County denied the application on July 14, 2014.

The DVA finally sent a letter on August 1, 2014 that separated Petitioner's payment into \$707 pension benefits and \$423 in aid and attendance. P-1. The Initial Decision found that by excluding the aid and attendance amount from countable income, Petitioner would be eligible. I concur with that finding as well as returning the case to Gloucester County to review the entire application, including the five year look back.

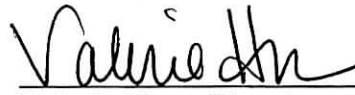
¹ It should be noted that while the A&A benefit amount is excluded for eligibility purposes, the benefit is not excluded from resources or post-eligibility considerations and may affect eligibility. See POMS SI 00830.312 <https://secure.ssa.gov/poms.nsf/lnx/0500830312> "Any unspent VA payments resulting from unreimbursed medical expenses are resources if retained into the calendar month following the month of receipt."

THEREFORE, it is on this 8th day of JANUARY 2015

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED with regard to Petitioner's income eligibility; and

That the matter is hereby RETURNED to Gloucester County for further review and action regarding Petitioner's application.



Valerie Harr, Director
Division of Medical Assistance
and Health Services